

REMARKS

Claims 1 through 21 were presented for examination in the present application. The instant amendment adds new claims 22 and 23. Thus, claims 1 through 23 are pending upon entry of the instant amendment.

Claims 1 through 21 were rejected by the final Office Action dated October 26, 2004 under 35 U.S.C. §112, first paragraph. Applicant respectfully traverses this rejection.

Support for the prior amendments to independent claims 1 and 12 can be found in the specification at least at paragraph 34, which is provided below for the convenience of the Examiner:

"Nozzle 22 and robot 24 can be used to more precisely control the amount of dye 20 applied to garment 10 than in previous dyeing methods. For example, robot 24 can move nozzle 22 to only apply dye 20 to garment 10, while minimizing over-spray (i.e., spray of dye 20 onto carrier 18). Thus, second station 30 can minimize the use of dye 20 as compared to prior bulk or yarn dyeing methods. In this manner, process 26 optimizes the amount of dye 20 used to manufacture garment 10, which can reduce the cost of the garment."

Clearly, the present application as filed supports the amended elements of claims 1 and 12. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 through 21 under 35 U.S.C. §112.

Claims 1 through 21 were finally rejected by the final Office Action dated October 26, 2004 under 35 U.S.C. §102 over U.S. Patent No. 2,990,087 to Berwin et al. (Berwin) and U.S. Patent No. 2,985,502 to Kronsbein et al. (Kronsbein).

Specifically, the Office Action asserts that the amendments to independent claims 1 and 12 do not include the addition of a separate process step and, as such, all of the claimed steps are disclosed by Berwin and Kronsbein.

Applicant respectfully traverses this rejection.

It is permissible for a method step to recite some condition or property without reciting in the claim every step necessary to obtain or achieve that condition or property. See In re Roberts, 470 F.2d 1399, 176 USPQ 313 (CCPA 1973).

Independent claim 1 recites "spraying a dye on a first side of the fabric to minimize over-spray of said dye". Thus, spraying to minimize over-spray is the process step recited by amended claim 1.

Independent claim 12 recites "spraying said first side with a dye so that spraying of said dye on said carrier is minimized". Thus, spraying dye so that spraying of the dye on the carrier is minimized the process step recited by amended claim 12.

The Office Action has not assert that either the Berwin or Kronsbein references disclose or suggest spraying to minimize over-spray as in claim 1 or spraying so that spraying of the dye on the carrier is minimized as in claim 12. In fact, Berwin and Kronsbein are unconcerned with over-spray of the dye, as all over-sprayed dye is re-circulated.

A claim is anticipated only if each and every element as

set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, Berwin and Kronsbein do not disclose or suggest independent claims 1 and 12, as well as claims 2 through 11 and 13 through 21. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 1 through 21 were also rejected under 35 U.S.C. §102 over U.S. Patent No. 2,872,277 to Kirk (Kirk).

Applicant respectfully traverses this rejection.

Kirk is directed to dyeing of leather on only one side. Specifically, Kirk discloses that dyeing certain types of leather only on one side is highly desirable. This is particularly true of glove, shoe, garment, and upholstery leathers where bleeding and/or rubbing off of a color from the opposite surface would be objectionable. See col. 1, lines 45-56.

Claim 1 recites "exposing the fabric to a migration and fixation process prior to said dye drying on said first side so that said dye migrates from said first side to a second side of the fabric". Clearly, the one sided dyeing of Kirk does not disclose or suggest the exposure to a migration and fixation process so that said dye migrates from said first side to a second side as recited in claim 1.

Claim 12 recites "steaming and heating the garment prior to said dye drying on said first side so that said dye migrates from said first side to said second side". Again, the single sided dyeing of Kirk does not disclose or suggest the steaming and heating so that the dye migrates from the first side to the second side as recited in claim 12.

Independent claims 22 and 23 have been added to point out various aspects of the present application. Support for new claim 22 can be found in the specification at least at paragraph 23. Support for new claim 23 can be found in the specification at least at paragraph 34.

Claims 22 through 23 are believed to be in condition for allowance. For example, independent claim 22 recites "moving a spray nozzle with respect to the garment so that a substantially even coat of a dye is applied to a first side of garment".

Berwin discloses a central spray head 25 provided with means to rotate and distribute the spray from above the garment. From the sump at the bottom of the tank, the treating solution is withdrawn through pump 27 and discharged under pressure through the spray head 25. The re-circulation of the treating solution through spray head 25 continues for a predetermined time. See col 2, line 55 through col. 3 line 25. Thus, Berwin is unconcerned with moving a spray nozzle with respect to the garment so that a substantially even coat of a dye is applied to a first side of garment as is recited by claim 22. Rather, Berwin sprays re-circulated dye on the garment for a period of time assuming that this time is sufficient to dye the garment.

Similarly, Kronsbein discloses a tank 1 having a spray nozzle 8 disposed at its upper part. The tank 1 includes a suction pump 6 connected to the lowest part of the tank. The outlet of suction pump 6 is connected to a fluid circulation pipe 7 which, in turn, is connected to spray nozzle 8. Pump 6 operates continually and circulates the dye through pipe 7 directly to spray nozzle 8. See col. 2, lines 25-53. Thus, Kronsbein is also unconcerned with moving a spray nozzle with respect to the garment so that a substantially even coat of a dye is applied to a first side of garment as is recited by claim 22.

Independent claim 22 also recites "steaming and heating the garment prior to said dye drying on said first side so that said dye migrates from said first side to a second side and reacts with and affixes to a component of the fabric".

Kirk is directed to dyeing of leather on only one side. Specifically, Kirk discloses that dyeing certain types of leather only on one side is highly desirable. This is particularly true of glove, shoe, garment, and upholstery leathers where bleeding and/or rubbing off of a color from the opposite surface would be objectionable. See col. 1, lines 45-56.

Clearly, the one sided dyeing of Kirk does not disclose or suggest the steaming and heating so that the dye migrates from the first side to a second side as recited in claim 22.

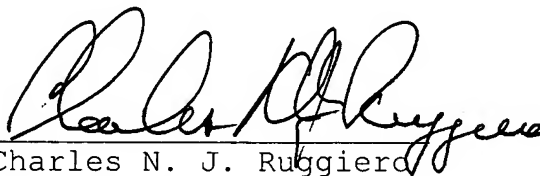
Accordingly, Berwin, Kronsbein, and Kirk, alone or in combination, do not disclose or suggest new claims 22 or claim 23 that depends therefrom.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

January 25, 2005



Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401